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THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 17] HYDERABAD, WEDNESDAY, JUNE 8, 2011.

ANDHRA PRADESH ACTS, ORDINANCES
AND REGULATIONS Etc.,

The following is the authoritative text in English language of the Ordinance promulgated by the Governor on the 7th June, 2011 being published under article 348 (3) of the Constitution of India for general information:

ANDHRA PRADESH ORDINANCE No. 1 OF 2011.

Promulgated by the Governor in the Sixty-second year of the Republic of India.

AN ORDINANCE TO PROVIDE LOAN AND OTHER BENEFITS ELIGIBILITY CARD TO THE FARMERS, WHO RAISE CROPS WITH EXPRESS

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OR IMPLIED PERMISSION OF OWNER OR PATTADAR OF LAND, BUT HAVE NO RECORD FOR SUCH ENJOYMENT WITHOUT EFFECTING THE RIGHTS OF OWNERS, ENABLING THEM TO ACCESS CREDIT FROM THE PUBLIC FINANCIAL INSTITUTIONS AND TO CLAIM BENEFITS OF INPUT SUBSIDY, CROP INSURANCE, COMPENSATION FOR DAMAGE TO CROP AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Whereas, a Bill namely, the Andhra Pradesh Land Licensed Cultivators Bill, 2011 (L.A. Bill No. 7 of 2011) has been introduced in the Legislative Assembly of the State, but not yet been passed;

And Whereas, the Legislature of the State is not now in session and the Governor of Andhra Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:-

**Short
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ment.**

1. (1) This Ordinance may be called the Andhra Pradesh Land Licensed Cultivators Ordinance, 2011.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force atonce.

**Defini-
tions.**

2. In this Ordinance, unless the context otherwise requires:-

(1) "Agricultural Land" means land which is used or is capable of being used for the purposes of agriculture crop other than Government Land or land assigned by the Government to the poor for agricultural purpose;

(2) "Agricultural Year" means the year commencing on the 1st day of May;

(3). "Crop" includes;-

(i) all crops of food grains, pulses, oil seeds, vegetables, Jute, cotton, chillies, sugarcane, grass, tobacco;

(ii) horticulture, spices;

(iii) mulberry; and

(iv) any crop as may be notified by the Government.

(4) "Eligibility Card" means the Loan and Other Benefits Eligibility Card issued under section 3;

(5) "Government" means the State Government of Andhra Pradesh;

(6) "Member of the family" means spouse, sons, daughters and parents;

(7) "Licensed cultivator of Land" means and includes the farmers who cultivate the land of others with express or implied permission, either on payment of rent or any other means of consideration without exclusive possession, for one year or until the duration of crop which ever is later and whose names are not recorded in any of the revenue registers concerned to that particular land:

Provided that the licensed cultivator shall not be a member of the family of the owner/pattadar of the land concerned;

(8) "Prescribed" means prescribed by rules made by the Government under this Ordinance;

(9) "Revenue Officer" means Deputy Thasildar, Mandal Revenue Inspector and Village Revenue Officer as may be specified;

(10) "Notification" means the notification published in the Andhra Pradesh Gazette or the District Gazette and the word 'notified' shall be construed accordingly.

Act 26 of 1971. (11) The words and phrases which are used but not defined in this Ordinance shall have same meaning as provided in the Andhra Pradesh of Rights in Land and Pattadar Pass Book Act, 1971.

Issue of Loan Eligibility Card. 3. (1) On and from the date of commencement of the Ordinance, every licensed cultivator, who requires a Loan and Other Benefits Eligibility Card, shall be entitled to enter his name in the register of loan and other benefits in respect of concerned land, maintained for such period and in such manner as may be prescribed.

(2) On such entry in the records, every licensed cultivator shall be entitled for a Loan and Other Benefits Eligibility Card, to be issued by the Revenue Officer.

(3) The Eligibility Card issued to a cultivator, shall create only a right on the crop raised therein and no rights whatsoever shall accrue on the land.

(4) The licensed cultivator may be entitled to secure crop loan from any Public Financial Institution, crop insurance, input subsidy in his name and other claims of damage to the crop raised over the said land on the production of the Eligibility Card, subject to the norms governing these benefits, but it does not create or confer

any right of possession, tenancy or interest of whatsoever nature over the land under the licensed cultivation.

(5) The licensed cultivators whose names are entered in the said record, specified in this section are entitled to possess an Eligibility Card ordinarily for the concerned year only but it may be for a further period depending on the duration of the crop raised together with the explicit or implicit permission of the owner of the land, enabling them to get benefits specified in the said card.

(6) The Public Financial Institutions may sanction crop loan only on production of Eligibility Card without insisting the production of any revenue record.

(7) The farmers, who had occupancy right in land either under the Tenancy Laws or under the Andhra Pradesh Rights in Land and Pattadar Pass Book Act, 1971, or other revenue laws and got their names recorded in concerned registers are excluded from the benefit under this Ordinance.

(8) The Eligibility Card, issued shall ordinarily be valid for one agricultural year but it may be issued for longer period or renewed where long duration crops are taken up.

(9) The Revenue Officer shall furnish the list of card holders prepared in sub-section (2) to the Public Financial Institutions in advance for sanctioning Crop Loan.

(10) The Owner or Pattadar of land inspite of the land given on licensed cultivation is entitled to get loans, other than the crop loan, from Public Financial Institutions on security of said land.

4. In the Scheduled Areas of the State of Andhra Pradesh, this Ordinance shall apply to licensed cultivators who belong to Scheduled Tribes notified within the Agency area only.

**Applica-
bility in
the Sched-
uled
Areas.**

Appellate Authority.	5. Any person aggrieved by the decision of the Revenue Officer, in matters concerned with Eligibility Card, may prefer an appeal to Thasildar of the Revenue Mandal in the prescribed manner and the appellate authority shall dispose of the appeal by summary enquiry within fifteen (15) days and its decision shall be final.
Nodal Agency.	6. The Chief Commissioner of Land administration shall be the Nodal Agency for the purpose of this Ordinance and the Agency may from time to time issue such orders and instructions as may be necessary to implement the provisions of the Ordinance and the rules made there under and to achieve the object of the Ordinance.
Protection of persons acting in good faith.	7. No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.
Ordinance to override other laws.	8. The provisions of this Ordinance, shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force, except the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. (Regulation No. 1 of 1959).
Bar of Jurisdiction of Civil Courts.	9. No decision made or order passed or proceeding taken by any Officer or Authority or the Government under this Ordinance, shall be called in question before a Civil Court in any suit, application or other proceeding and no injunction shall be granted by any Court in respect of any proceeding taken or about to be taken by such Officer or Authority or Government in pursuance of any power conferred by or under this Ordinance.
Power to remove difficulty.	10. If any doubt or difficulty arises in giving effect to the

provisions of this Ordinance, the Government may, within a period of three years from the commencement of this Ordinance, by order published in the Gazette, make such provision as appears to it to be necessary or expedient for removing the difficulty.

11. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Ordinance. **Power to make rules.**

(2) Every rule made under this Ordinance shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

E.S.L. NARASIMHAN,
Governor of Andhra Pradesh.
A. SHANKAR NARAYANA,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.